

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARNOLD HENRY,

Plaintiff,
v.
K. MIHM, UNKNOWN SCHAFFER, and
JOHN DOE,
Defendants.

Case Number 22-12830
Honorable David M. Lawson
Magistrate Judge Elizabeth A. Stafford

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING IN PART
DEFENDANTS' MOTION TO DISMISS, AND DENYING PLAINTIFF'S MOTIONS
FOR SUMMARY JUDGMENT**

Presently before the Court is the report issued on January 26, 2024 by Magistrate Judge Elizabeth A. Stafford pursuant to 28 U.S.C. § 636(b) recommending that the Court grant in part the defendants' motion to dismiss, dismiss the plaintiff's equal protection claim, and deny the plaintiff's motions for summary judgment. The deadline for filing objections to the report has passed, and no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 48) is **ADOPTED**.

It is further **ORDERED** that the defendants' motion to dismiss (ECF No. 26) is **GRANTED IN PART**, and the plaintiff's claim for violation of his rights under the Equal

Protection Clause is **DISMISSED WITH PREJUDICE**. The defendants' motion is **DENIED** in all other respects.

It is further **ORDERED** that the plaintiffs' motions for summary judgment (ECF No. 28, 30) are **DENIED**.

It is further **ORDERED** that the referral of the case to the assigned magistrate judge for all pretrial proceedings is **CONTINUED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 22, 2024